

Remarks/Arguments:

This Response is being submitted in response to the Office Action dated March 26, 2003. Claims 1-37 are presented for examination. Applicant has amended claims 1, 13, 20 and 27. Applicant has added claims 28-37. Applicant respectfully requests reconsideration and allowance of claims 1-37 in light of the amendments and remarks made herein.

Applicant's representative hereby authorizes the use of Deposit Account 03-0172 for a three-month extension of time fee of \$930.00 under 37 C.F.R. §1.17(a)(3), and for any other payment necessary to maintain the application in good standing.

Claims 1-7 and 13-27

Independent claims 1, 13, 20 and 27 stand rejected under 35 U.S.C. §103, as being unpatentable over Courter et al. (U.S. Patent 6,119,128). MPEP §2143.03 reads "to establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981 (CCPA 1974). Claims 1, 13, 20 and 27 of the present application recites "creating a log file containing selected records..." (emphasis provided). Applicant respectfully submits that Courter et al. fails to disclose such an element.

The Examiner indicates that Courter et al. discloses the instant element at col. 4, lines 45-46. Applicant respectfully disagrees. While Courter et al. discloses that "... as modifications are made to the data in the table partitions, the modifications are logged in a log file", Courter et al. fails to teach or suggest that the logged modifications are in any way "selected" for inclusion in the file, as claimed by the present invention. Consequently, Courter et al. does not satisfy the MPEP §2143.03 standard for a §103 rejection.

In order to emphasize the functionality of the present invention, and not for reasons of patentability, Applicant has amended claims 1, 13, 20 and 27 to recite that "the contents of the log file being limited to a subset of all log records".

Accordingly, for at least the reason stated above, Applicant contends that claims 1, 13, 20 and 27 are patentable over Courter et al. and in condition for allowance. Further, Applicant contends that dependent claims 2-7, 14-19, and 21-26 are patentable for the same reasons as the independent claims from which they depend. Consequently, Applicants respectfully request the Examiner allow claims 1-7, and 13-27.

Claims 8-12

Independent claim 8 stands rejected under 35 U.S.C. §103, as being unpatentable over Courter et al. (U.S. Patent 6,119,128) in view of Barber et al. (U.S. Patent 6,173,292). MPEP §2143.03 reads “to establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981 (CCPA 1974). Claim 8 of the present application recites “storing the log record in a first log file recording selected changes...” (emphasis provided). Applicant respectfully submits that neither Courter et al. nor Barber et al. disclose such an element.

The Examiner indicates that Courter et al. discloses the instant element at col. 5, lines 48-50. Applicant respectfully disagrees. An examination of Figure 4 of Courter et al., to which the cited passage refers, reveals that log file 410 actually contains a log of every change to the data, not just the selected changes which affect a reorganization of the data. In subsequent processing, the system of Courter et al. selectively processes a subset of changes from the log file 410 containing all changes. This is further clarified by Courter et al. at col. 6, lines 10-13 which states:

“Moreover, during one pass through the log file, the recovery system 122 identifies the required modifications and applies them to partition 400 and the partitioning index 404.” (emphasis provided)

Consequently, the combination of Courter et al. and Barber et al. is missing at least one claimed limitation, namely “storing the log record in a first log file recording selected changes...”, and does not satisfy the MPEP §2143.03 standard for a §103 rejection. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of independent claim 8 and dependent claims 9-12 under 35 U.S.C. § 103.

Newly Added Claims

Applicant has added new claims 28-37 which Applicant believes are patentable. Accordingly, Applicant requests that the Examiner review and allow newly added claims 28-37.

Conclusion

Entry of this amendment and allowance of claims 1-37 are respectfully requested. Applicants respectfully invite the Examiner to contact Applicants' representative at the telephone number listed below to discuss the present application.

Respectfully submitted,

September 26, 2003
Date


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